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Division Waste Management

Section Superfund

Program IHS (IHS)

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North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor

William G. Ross Jr., Secretary

February 28, 2007

Mr. Rich Olson
City Manager, Elizabeth City
PO Box 347
Elizabeth City, NC 28337-0716

Subject: Assessment, Cleanup, and Redevelopment of Old Landfill Sites Within Your Jurisdiction

Dear Mr. Olson:

Governor Easley released his proposed budget February 22. Included in the budget is a specific item I believe should be of interest to you from a fiscal, environmental and public health protection perspective.

Landfills that closed prior to State permitting of landfills are listed on the Old Landfill Sites portion of the Inactive Hazardous Sites Inventory maintained by the Superfund Section, Division of Waste Management. Any person, including local governments, that arranged for disposal or disposed of waste in the landfills may be held liable for the cleanup of the site. At this time no pre-permitting landfills have been identified in Pasquotank County. Landfills that pre-dated the permitting program have been identified in 98 other counties to date.

The Division has surveyed old landfills in 47 counties. The results of the survey indicate reason for concern about the potential public health and safety impacts of these sites if they are not addressed. Seventy percent of the sites surveyed had a school, church, residence, day care or drinking water source within 1000 feet. The Division has found 102 old landfills that have a drinking water well within 500 feet. Thirteen of the landfills surveyed have residences built over the old landfill. The cost of assessment and cleanup of these old landfill sites can be as high as several million dollars.

Governor Easley's budget establishes a partnership between the State and local governments to both clean up the old landfill sites and to provide funding for redevelopment of the sites. Many are in prime locations for redevelopment opportunities. The Governor's budget proposes to pay for cleanup and redevelopment of these sites through a surcharge on disposal of solid waste. The funding mechanism is a fair one. It is based on the idea that those who use solid waste disposal facilities should share the responsibility for cleanup of sites used for solid waste disposal in the past that may have been lawful at the time, but did not meet standards that we now know are necessary to protect public health and safety.

The proposed \$2.00 per ton disposal surcharge would apply to residential, commercial, industrial, and construction and demolition debris type waste that is either disposed of at a landfill or passes through a transfer station for disposal out-of-state. The State would use the revenue from the surcharge to contract for cleanup of the old landfill sites and to provide grants to local government for redevelopment. The funds could also be used to clean up other hazardous substance disposal sites across the State that have no viable responsible party.

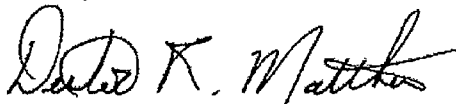
The only tool currently available to the State to ensure cleanup when it is needed is an enforcement action against those that owned, operated or contributed to the old landfills. The Governor's proposal would avoid placing an unreasonable burden on any one local government and allow us to use our resources for actual cleanup rather than legal action. When the old landfill sites were in use, North Carolina citizens, businesses, and industries benefited from their existence as a

place to dispose of waste. The surcharge on waste disposal is a way for citizens, businesses and industries to form a partnership for cleanup and redevelopment of these old landfill sites.

There is great interest this session of the General Assembly to strengthen requirements for landfills permitted in our state. I encourage you to take a close look at legislation that will be introduced and, specifically, to this initiative and what it can bring to your jurisdiction.

If you have questions regarding the program for clean-up of old landfills, please contact Jack Butler, Chief of the Superfund Section, at jack.butler@ncmail.net or call (919)508-8450.

Sincerely,

A handwritten signature in black ink, appearing to read "Dexter R. Matthews". The signature is fluid and cursive, with the first name "Dexter" and last name "Matthews" clearly distinguishable.

Dexter R. Matthews, Director

cc: Ellis Hankins, NCLM
Jack Butler, Chief – Superfund Section



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor

William G. Ross Jr., Secretary

February 26, 2007

Mr. Randy Keaton, County Manager
County of Pasquotank
PO Box 39
Elizabeth City, NC 27909

Subject: Assessment, Cleanup, and Redevelopment of Old Landfill Sites Within Your Jurisdiction

Dear Mr. Keaton:

Governor Easley released his proposed budget February 22. Included in the budget is a specific item I believe should be of interest to you from a fiscal, environmental and public health protection perspective.

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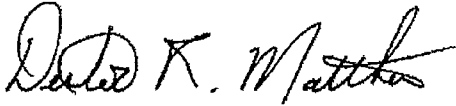
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Dexter R. Matthews, Director

cc: David Thompson, NCACC
Jack Butler, Chief – Superfund Section



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor
William G. Ross Jr., Secretary

February 26, 2007

<SAL> <FIRST> <LAST>, County Manager
County of <MUNICIPALITY>
<ADDRESS>
<TOWN>, North Carolina <ZIP>

Subject: Assessment, Cleanup, and Redevelopment of Old Landfill Sites Within Your Jurisdiction

Dear <SAL> <LAST>:

Governor Easley released his proposed budget February 22, 2007. Included in the budget is a specific item I believe should be of interest to you from a fiscal, environmental and public health protection perspective.

There are approximately 700 old landfills statewide and <LANDFILL#> old landfills in your local area that closed before the State permitting system became effective. These landfills are listed on the Old Landfill Sites portion of the Inactive Hazardous Sites Inventory maintained by the Superfund Section, Division of Waste Management. Any person, including local governments, that arranged for disposal or disposed of waste in the landfills may be held liable for the cleanup of the site. I have attached a report that identifies the location of known old landfill sites in <COUNTY NAME> County that may have closed prior to 1983 and thus qualify for the program described in this letter.

The Division has surveyed old landfills in 47 counties. The results of the survey indicate reason for concern about potential public health and safety impacts of these sites if they are not addressed. Seventy percent of the sites surveyed had a school, church, residence, day care or drinking water source within 1000 feet. The Division has found 102 old landfills that have a drinking water well within 500 feet. Thirteen of the landfills surveyed have residences built over the old landfill. The cost of assessment and cleanup of these old landfill sites can be as high as several million dollars.

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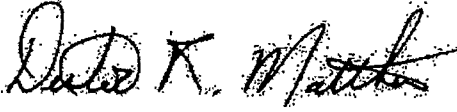
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Dexter R. Matthews, Director

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Jack Butler, Chief – Superfund Section



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor
William G. Ross Jr., Secretary

February 27, 2007

<SAL> <FIRST> <LAST>
<TITLE>, <MUNICIPALITY>
<ADDRESS>
<TOWN>, North Carolina <ZIP>

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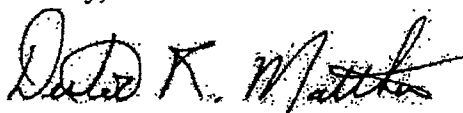
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Dexter R. Matthews, Director

cc: Ellis Hankins, NCLM
Jack Butler, Chief – Superfund Section

The mailing list for these letters is filed in a folder in the first file cabinet drawer for the old landfill sites.

A statewide Old Landfill Inventory report is filed in a folder in the first file cabinet drawer for the old landfill sites.